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Attorneys for Plaintiff Aminah Lucio

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 12 Civ. 247 (DAB)

AMINAH LUCIO,

Plaintiff,

NOTICE OF MOTION

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION ("DOE") and MARIE DOUYON,

Defendants.

-----X

PLEASE TAKE NOTICE that upon the annexed affirmation of Jason M. Wolf, Esq., the attorney for the plaintiff herein, affirmed on September 19, 2012, and upon the exhibits annexed thereto, the accompanying Memorandum of Law in support of this motion, and the pleadings herein, the undersigned will move this Court, before Hon. Deborah A. Batts, United States District Judge, for an order pursuant to Rules 15(a)(2), 55(c), and 60(b)(1) and (6) of the Federal Rules of Civil Procedure vacating plaintiff's default in responding to Defendant's motion to dismiss based upon excusable neglect, the existence of meritorious causes of action and in the interests of justice, and/or reconsidering the Order and Judgment dated September 10, 2012 and upon reconsideration denying the motion to dismiss, and/or granting plaintiff leave to replead, and for such other relief as this Court may deem just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Bronx, New York
September 19, 2012

/s/ Jason M. Wolf

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